

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CODY D. WUNDER, LD-7254,)
Petitioner,)
)
)
v.) 2:15-cv-1610
)
)
ROBERT GILMORE, et al.)
Respondents.)

MEMORANDUM

Cody D. Wunder, an inmate at the State Correctional Institution at Greene has presented a petition for a writ of habeas corpus. According to the petition, Wunder was convicted upon a plea of guilty to charges of second degree murder, robbery, conspiracy to commit robbery, burglary and conspiracy to commit burglary at No. 4643-2012 in the Court of Common Pleas of Lancaster County, Pennsylvania. This sentence was imposed on August 15, 2013.

It is provided in 28 U.S.C. §2241(d) that:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a state which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

While the petitioner is in custody in the Western District of Pennsylvania, the trial court which sentenced him is located in Lancaster County, which is located in the Eastern District of Pennsylvania. It, therefore, would appear that the interests of justice would best be served by transferring the petition to the United States District Court for the Eastern District of Pennsylvania.

An appropriate Order will be entered.

ORDER

AND NOW, this 9th day of December, 2015, for the reasons set forth in the foregoing Memorandum,

IT IS ORDERED that if he objects to the transfer, the petitioner do so on or before December 23, 2015,

IT IS FURTHER ORDERED that if no objections are filed the case will be transferred after that date to the United States District Court for the Eastern District of Pennsylvania for further proceedings.

s/ Robert C. Mitchell
United States Magistrate Judge